

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD C. TRIANO,

07 CIV 6710 (CLB)

Plaintiffs,

-against-

**NOTICE OF MOTION**

THE TOWN OF HARRISON and THE  
TOWN OF HARRISON POLICE  
DEPARTMENT,

Defendants.

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***PLEASE TAKE NOTICE*** that upon the Memorandum of Law dated the 26<sup>th</sup> day of November, 2007, the Declaration of Neil Torczyner and all the papers and pleadings heretofore had herein, Defendants, THE TOWN OF HARRISON and THE TOWN OF HARRISON POLICE DEPARTMENT, shall move this Court on December 14, 2007 at 9:30 A.M. of that day or as soon thereafter as counsel can be heard before the Hon. Charles L. Brieant, at the United States District Court, Southern District of New York, located at 300 Quarropas Street, White Plains, New York, for an Order pursuant to Federal Rule of Civil Procedure 4(m) or in the alternative pursuant to Federal Rule of Civil Procedure 16(f) dismissing the instant action against the Defendants, THE TOWN OF HARRISON and THE TOWN OF HARRISON POLICE DEPARTMENT, based on the Plaintiff's failure to file and serve a complaint, and for such other and further relief as may be just, proper and equitable under the circumstances existing herein.

Dated: Lake Success, New York  
November 26, 2007

FRIEDMAN, HARFENIST, LANGER & KRAUT  
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By: \_\_\_\_\_ S \_\_\_\_\_  
Neil Torczyner

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